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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,291	12/28/2001	Yusuke Nakazono	35.G2971	3111
5514	7590	02/06/2007	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			RUDOLPH, VINCENT M	
			ART UNIT	PAPER NUMBER
			2625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/029,291	NAKAZONO ET AL.	
	Examiner Vincent M. Rudolph	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 November 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 40-44,50-54 and 60 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 40-44,50-54 and 60 is/are rejected.  
 7) Claim(s) 54 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 26 January 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

Claim 54 is objected to because of the following informalities:

Regarding claim 54, Line 2, it discloses "the external apparatus a computer connected..." It should be changed to –the external apparatus **is** a computer connected...– Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40-44, ~~48~~, 50-54, ~~58~~ and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spurr ('356).

Regarding claim 40, Spurr ('356) discloses a software distributing system (See Figure 8) for distributing control software used by an image forming apparatus to an external apparatus, which is an information processing apparatus connected with the image forming apparatus, over a network (printer is connected to an intermediary networked server, See Figure 8; Col. 17, Line 35-38). This includes a receiving unit (embodied within host computer, See Figure 8, Element 280) for receiving production lot information of a consumable unit (image processing information of a consumable unit, such as paper, laminate material, etc., See Col. 17, Line 28-30) that is stored in a memory of the consumable unit (stored within the identifier of the consumable unit, See

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Figure 4; Col. 10, Line 4-6), such that the consumable unit is detachably located in the image forming apparatus (paper, laminate material, etc. are detachably located and used within the printer, See Figure 4) and the production lot information is output by the external apparatus (the image processing information is output by the networked server and sent to the host computer, See Figure 8; Col. 17, Line 62-Col. 18, Line 2), a controller unit (embodied within the host computer, See Figure 8, Element 280) configured to distribute processing information, based on the production lot information to the external apparatus through the network (based on the identifier information, the host computer returns processing information to the printer through the external apparatus, See Figure 8; Col. 18, Line 2-5).

Spurr ('356) does not fully disclose distributing control software to the external apparatus, but it would have been obvious to do so. The reason is that the information sent to the host computer relates to using a specific consumable unit, such as paper, laminate material, etc (See Col. 17, Line 28-33). In return, the image processing information sent from the host computer is acquired by the networked server, stored as a file in it, and eventually transferred to the control logic processor (See Figure 8, Element 130) of the printer. This information is used to modify the processing variables used in operation of the printer (See Col. 18, Line 33-39). Thus, it would have been obvious that the image processing information is control software so that the printer is able to process print jobs for each consumable unit properly.

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include control software and incorporate it into the software

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distributing system of Spurr ('356) because it allows the server to properly receive the production lot information so that it is able to distribute the correct software related to the consumable unit of the printer.

Regarding claim 41, Spurr ('356) discloses the production lot information includes lots of parts respective parts that make up the consumable unit (See Col. 14-16, Table 2-5). The controller unit then decides the appropriate image formation control software based on the consumable unit information and is configured to distribute the software decided upon (See Col. 18, Line 2-5; Line 33-39).

Regarding claim 42, Spurr ('356) discloses the receiving unit is configured to receive the operating information of the consumable unit (information related to using a specific set of paper, laminate material, etc., See Col. 17, Line 28-30). A selecting unit (embodied within the host computer, See Figure 8, Element 280) then chooses the appropriate software based on the production lot information and the operation information received (processing information is distributed based on the identifier information, See Col. 18, Line 2-5). The controller unit then distributes the appropriate image formation control software to the external apparatus (See Col. 18, Line 33-39).

Regarding claim 43, Spurr ('356) discloses the production lot information indicates production condition for the consumable unit (information related to using a specific set of the consumable unit, See Col. 17, Line 28-30, so that software can be used to modify the process variables used within the printer, See Col. 18, Line 35-39).

Regarding claim 44, Spurr ('356) disclose the external apparatus is a computer connected with the image forming apparatus (networked server, See Figure 8, Element 260; Col. 18, Line 35-39).

Regarding claims 50-54, the rationale provided in the rejection of claims 40-44 is incorporated herein. In addition, the system of claims 40-44 corresponds to the method of claims 50-54 and performs the steps disclosed herein.

Regarding claims 60, Iizuka ('385) discloses a computer-executable program that is stored on a computer-readable medium for a computer to execute the information processing method (Col. 17, Line 64-Col. 18, Line 2).

#### ***Response to Arguments***

The applicant argues that the prior art does not disclose receiving production lot information of a consumable unit and distributing control software based on the production lot information. Thus, the prior art of Spurr is used to meet the limitations of the amended claims. Spurr discloses receiving production lot information of a consumable unit, such as paper, laminate material, etc. (See Col. 17, Line 28-30), and distributing processing information based on the production lot information (See Figure 8; Col. 18, Line 2-5). Even though Spurr does not fully disclose distributing control software to the external apparatus, it would have been obvious to do so since the information sent to the host computer relates to using a specific consumable unit, such as paper, laminate material, etc (See Col. 17, Line 28-33). The image processing information sent from the host computer is then acquired by the networked server, stored as a file within it, and eventually transferred to the control logic processor of the

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printer to modify the processing variables used in operation of the printer (See Col. 18, Line 33-39). Therefore, it would have been obvious that the image processing information is control software so that the printer is able to process print jobs for each consumable unit properly. As a result, the prior art of Spurr is able to meet the limitations of the amended claims, and based on these facts, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent M. Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

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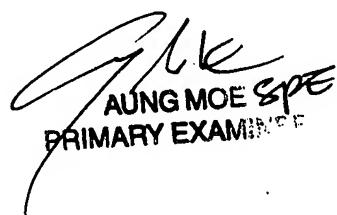
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000:

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VMR

Vincent M. Rudolph  
Examiner  
Art Unit 2625



AUNG MOE SPE  
PRIMARY EXAMINER